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3 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
4 **OF THE STATE OF WASHINGTON**
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6 IN THE MATTER OF ENFORCEMENT)
7 ACTION AGAINST) PDC CASE NO.: 01-469
8 LESLIE MARTINEZ) **FINAL ORDER IMPOSING FINE**
9 Respondent.)
_____)

10 The Washington State Public Disclosure Commission (Commission) conducted an
11 enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on
12 October 23, 2001.

13 The Commission held the hearing in Room 206 of the Evergreen Plaza Building,
14 711 Capitol Way South, in Olympia, Washington to determine if the Respondent violated
15 RCW 42.17.240 by failing to timely file a Personal Financial Affairs Statement (PDC form
16 F-1) due on or before April 16, 2001. The Respondent was notified of the hearing by letter
17 dated October 4, 2001 and appeared in writing. The Respondent submitted a letter dated
18 October 12, 2001 that was read by the Commission. The Commission's Enforcement Staff
19 (Staff) appeared through Philip Stutzman, Director of Compliance.
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21 The Commission considered the Amended Notice of Administrative Charges dated
22 September 10, 2001, and its incorporated exhibits. The Amended Notice of Administrative
23 Charges and exhibits are incorporated by reference into this Order. The Commission heard
24 oral argument by Staff.
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3 Based on this record, the Commission finds that

- 4 1) The Respondent is a city council member of the Enumclaw City Council.
- 5 2) The Respondent was required to file a Statement of Financial Affairs (PDC Form
- 6 F-1) by April 16, 2001.
- 7 3) The Respondent failed to file the F-1 Report by April 16, 2001.
- 8 4) On October 17, 2001, the Respondent re-filed the F-1 report that was due April 15,
- 9 1998 and filed the missing F-1 reports that were due April 15, 1999, April 17, 2000,
- 10 and April 16, 2001.
- 11 5) The Respondent stated that her failure to file was the result of embarrassment over
- 12 the state of her financial affairs. She stated that if a penalty is assessed for late filing
- 13 she will make every effort to pay something each month on the fines.
- 14 6) The Respondent failed to file an F-1 Report in 2000 and was assessed a penalty in
- 15 Case No. 01-082 of \$500 by order entered December 11, 2000, which has not been
- 16 paid and was referred to the Attorney General of Washington for collection on
- 17 February 22, 2001.
- 18 7) The Respondent failed to file an F-1 in 1999 and was assessed a penalty in Case No.
- 19 00-128 of \$150 by order entered November 19, 1999, which has not been paid and
- 20 was referred to the Attorney General of Washington for collection on February 22,
- 21 2001.
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25 Based on the findings of fact, the Commission concludes that the Respondent violated

26 RCW 42.17.240 by failing to timely file the F-1 Report by April 16, 2001.

1 **The Commission ORDERS that the Respondent is assessed a civil penalty of**
2 **\$500.**

3 Any party may ask the Commission to reconsider this final order. Parties must
4 place their requests for reconsideration in writing, include the specific grounds or reasons
5 for the request, and deliver the request to the office of the Public Disclosure Commission
6 within 10 days of the date that the Commission serves this order upon the party.
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8 Pursuant to RCW 42.17.395(5), a final order issued by the Public Disclosure
9 Commission is subject to judicial review under the Administrative Procedures Act, chapter
10 34.05 RCW. Pursuant to RCW 34.05.542(2), a petition for judicial review must be filed
11 with the superior court in Thurston County or the petitioner's county of residence or
12 principal place of business. The petition for judicial review must be served on the Public
13 Disclosure Commission and any other parties within 30 days of the date that the Public
14 Disclosure Commission serves this final order on the parties.
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16 If reconsideration is properly sought, the petition for judicial review must be served
17 on the Public Disclosure Commission and any other parties within 30 days after the
18 Commission acts on the petition for reconsideration. Pursuant to RCW 34.05.470(3), the
19 Public Disclosure Commission is deemed to have denied the petition for reconsideration if,
20 within twenty days from the date the petition is filed, the agency does not either dispose of
21 the petition or serve the parties with written notice specifying the date by which it will act
22 on the petition. Pursuant to RCW 34.05.470(5), the Respondent is not required to ask the
23 Public Disclosure Commission to reconsider the final order before seeking judicial review
24 by a superior court.
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The Commission will seek to enforce this final order in superior court under RCW 42.17.395 - .397, and recover legal costs and attorney's fees, if the penalty remains unpaid and no petition for judicial review has been filed under chapter 34.05 RCW. This action will be taken without further order by the Commission.

DATED this 7th day of November, 2001.

/s/
VICKI RIPPIE, Executive Director